

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
October 31, 2005 – 7:00 PM**

PRESENT: Cliff Pratt, Vice-Chairman
Rick Griffin, Ben Moore, Virginia Bridle-Russell
James S. Barrington, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS: Jim Workman, Chairman

Vice-Chairman, Cliff Pratt called the meeting to order at 7:00 pm and introduced those in attendance

SALUTE TO THE FLAG – Fire Chief Hank Lipe led the audience in the salute to the flag.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Griffin reported on the success of the Junior High Halloween Dance and that he was a chaperon. He said that a number of City Year students attended the dance and they will be officially welcomed at the Town Party. The Town Party will be held on November 3 at the Ashworth. Tickets are available at the Recreation Department or call Patty McKennie.

Mr. Pratt thanked all of those who sent him cards and well wishes, while he was in the hospital. He was very moved by the level of support and he thanked those for their consideration.

II. APPOINTMENTS

1 – FIRE CHIEF HANK LIPE – FIRE DEPARTMENT FACILITY NEEDS

Chief Lipe addressed the BOS to seek direction in the Fire Department facility needs. He said that he and Town Manager Barrington have been discussing the needs of the Fire Department for over the past two years. He brought to the attention of the Board that there will be some policy decisions that will need to be made in regards to this project. Chief Lipe explained that there are three basic questions that need to be answered.

- 1- Is the Town going to put a Fire Station at the beach?
- 2- If so, where?
- 3- What type of Fire Station should be constructed? A small substation or a headquarters facility?

There are many variables and different cost factors to consider when building a functional yet economy based building.

BOS Questions to Chief Lipe in regards to the Fire Department Facility Needs

Mr. Moore said that he is generally in favor of the Station in the beach area. He commented that it is likely that Fire Personnel would improve response time in that area.

Chief Lipe stated that the International Association of Firefighters did a study and used a computer model which considered high populated and hazardous areas. The study supported the current locations of the Hampton Fire Stations.

Mr. Moore questioned what locations are available to the Town in the beach area that may be considered as potential locations. Chief Lipe listed the following parking lots: next door where the old Police Station was, Island Path, and Church Street. Mr. Barrington said that there are some Town property leases that may not be renewed and perhaps these areas could be considered. Chief Lipe said that the Town has some property behind the Precinct where the basketball court is. Mr. Moore asked the Fire Chief to rank the previously mentioned locations in order of suitability. Chief Lipe discussed the various suitable locations and the issues that there would be with each.

Mr. Moore asked the Fire Chief what type of station he would consider the most suitable. From Mr. Moore's past research he understands that 50% of the cost is in foundation and the rest is in the actual building in beach construction. He suggested that the smaller facility would be practical and construction would be less expensive. Chief Lipe said that going tall is the better alternative than going wider. The ideal design would include having the administrative operation on the third floor, firefighter quarters on second and equipment on main with public access through the elevator.

Mr. Griffin asked the Chief where he felt was the best place to have the headquarters. Chief Lipe suggested keeping administration away from high hazard districts. He believes having the headquarters in the Winnacunnet Station would be the best location. However, in saying that it would lead to a multilevel project. Chief Lipe believes the multiple station project would cost less because the headquarters at the Winnacunnet Station could be built like a house. At the beach it would be more expensive because of the location and the cost of building a stronger more solid structure.

Mr. Griffin questioned if it is possible to build on the south side of the police station. Chief Lipe said that they would need to design an emergency lane so they can get to Brown Avenue. He also mentioned that the Town needs to keep in mind the flood code requirements. The Code requires an eight foot bottom floor which would mean, the building would have to be built back in order to achieve the correct slope. The apparatus floor which would need to be at the same elevation as the Police Station. Mr. Barrington explained it would be necessary to build an additional foot above sea level to reduce the possibility flooding since the code requires building one foot above the mean high tide, which is the 8-foot elevation.

Mr. Griffin is in favor of keeping fire protection down at the beach and believes that it meets the demand to get uptown as well. In addition, Mr. Griffin believes that it makes sense to have the Headquarters uptown and understands the complexity of the project.

Mrs. Bridle-Russell emphasized the importance of producing a cost effective Station. Mr. Barrington remarked that the Town needs to consider that the Ashworth parking lot has traditionally been the largest

generator of revenue. Therefore, if the number of parking spaces is reduced it will have an adverse affect on the Town revenue which in turn would make the tax rate increase.

Mrs. Bridle-Russell mentioned that if the Station is put on that lot tax payers are going to question why two separate Stations (Fire and Police) were build rather than one municipal complex for both. Mrs. Bridle-Russell believes that the beach needs a Fire Substation and that the Headquarters should be situated uptown.

Mr. Moore asked if Church Street is eight feet above sea level and if the apparatus bay would need to be built up. Chief Lipe is not certain about the elevation at that site, but said that it doesn't seem to flood and a station could fit on this location. The Church Street location is a good location as it doesn't take away parking revenue however, there is a problem with fighting the traffic along Brown Avenue, and Mr. Barrington identified the Church Street parking lot as resident parking which could be lost forever.

Mr. Moore asked the Fire Chief what square footage would be suitable for the Substation. Chief Life said that he is considering a 6,600 square foot building. Mr. Moore also inquired about the square footage for the current Station. Chief Lipe replied saying it was approximately 5,600 square feet.

Mr. Griffin asked if it was possible to share communication space with the Police Department. Chief Lipe said that the Fire and Police Departments did study sharing communications approximately three years ago. As a result it was determined that separate communications are better for everyone involved as the Captain can listen to calls and give direction in person. Chief Lipe suggested that communications be moved to Headquarters in a low hazard district, in a secure environment. Mr. Griffin asked if the Fire Department needs a new Communication Center. Chief Lipe said that the components of the Communications Department are viable, however, it needs to be updated.

Mr. Pratt doesn't think selling two projects is too difficult and believes voters would support a Substation at the beach. Chief Lipe reiterated that from an economic point of view it is certainly the most cost effective proposal to have a substation at the beach and the headquarters at the Winnacunnet Station. He believes that the multi-project proposal could be completed for under \$5 million.

Mr. Barrington mentioned that the Precinct Commission owns the land that the Station is currently on. The Town leases the land that ensures fire protection to the Precinct Area. Chief Lipe said that it is possible to put the new station behind the existing station; however the Town and the Precinct would need to negotiate this idea.

After reviewing the lease, Mr. Moore understands the new station would need to be built by March 18, 2007. Mr. Moore also said that he is not confident that Town voters would approve a \$5 million bond. In addition he questioned if it would be possible to make arrangements to use part of the State beach. Chief Lipe responded by saying, it is an option however, it is quite far south and there may be a problem with traffic going to the main beach. Ultimately it is better to be close to the heart of the district.

Chief Lipe has researched steel fabrication buildings and because of the size of the building there are no economies of scale. Mr. Moore is not confident that voters will support a 13,000 square foot substation. In addition he is concerned that all Fire Department personnel may have to go to Station #2 in the event that the Precinct does not renew the lease with the Town for the existing fire station. Mr. Moore also emphasized that

the question of replacing Station #1 has not been voted on before and it is unlikely to pass. Chief Lipe suggested that the BOS provide him with a target figure for a very basic Station with stairways and elevators.

Vice-Chairman Pratt would like to see the Precinct Commission and Town work together to accommodate the new Station as fire protection is required by both parties. Mrs. Bridle-Russell mentioned that the Commission is the owner of the property and they will ultimately decide if the Station will be built on this location.

Mrs. Bridle-Russell asked Mr. Barrington if he has considered other property. Mr. Barrington has researched other locations such as purchasing the Westport Hotel lot. However, when purchasing other property the Town has to consider that this would add to the cost of the new Station, and remove property from the tax roll.

Mr. Moore asked if the Headquarters were moved to Station #2, what would be the required square footage. Chief Lipe replied by saying the Department is planning on adding a third bay which is approximately 5,000 square feet.

Chief Lipe said that the substation could be done under \$3 million however the problem is there is no administrative space. It was also suggested that perhaps the Court House could be used. The issue with that building is the cost of renovating.

Mr. Griffin asked if the entire area of the new Police Station is being utilized. Mr. Barrington responded by saying yes.

Chief Lipe concluded by saying that he is pleased that he had the opportunity to communicate how difficult and complicated this project is and he will work towards developing a project that is acceptable to Hampton residents. He also said that when building it is important to build for today but design for tomorrow in the likelihood that the Station will need to expand in the coming years. Chief Lipe also said that when considering expanding it is important that response times are the priority.

The BOS decided to have the Precinct Commissioners attend the November 21 meeting to discuss where the Fire Station should be located. Vice-Chairman Pratt requested that Chief Lipe attend the November 21 meeting when the Precinct Commissioners are in attendance.

Mrs. Bridle-Russell questioned if there may be grant money available for the Fire Station since it would be considered a historical building. Chief Lipe liked the idea of restoring the old building however, mentioned that it may be more expensive renovating rather than building a new Station.

Mr. Moore asked Chief Lipe to provide copies of last year's report and a close approximation of the existing square footage at Station #1.

III. OLD BUSINESS

1. TOWN MANAGER'S REPORT

Mr. Barrington reported that the official 2006 Recreation Special Revenue Fund and expenditure projections were enclosed in the BOS packets. The Recreation Department Director was away from the office last week and he had only received the cover sheet rather than the complete version.

The Town Manager also mentioned that he received a phone call from NHDOT regarding the bike path project that was on the warrant last year as Article 11. The project was to extend a bike path through Hampton on Exeter Road from the Exeter town line, to Towle Avenue, south to Winnacunnet Road, east to Ocean Boulevard. It was a \$752,000 project with \$150,400 of that total coming from Hampton and the balance from the federal granting program. Last year it was a petitioned article that was recommended by both the Board of Selectmen and the Budget Committee. It failed to receive a majority vote. DOT wanted to know the Town's desires relative to those funds. Mr. Barrington requested that the funds be kept for one more year, pending the Board of Selectmen's direction on whether or not to put the article on the 2006 Warrant. The State accepted Mr. Barrington's suggestion.

Mr. Barrington said that the Finance Director reported that she expects to have a default budget number ready by November 7 for the Board of Selectmen meeting. The budget documents are being printed for the Budget Committee and are expected to be ready by Tuesday.

Office administrators are putting together preliminary lists of possible warrant articles for the Board of Selectmen's consideration. Mr. Barrington put a copy of the articles in the packets from the 2005 warrant, excluding the petitioned articles. The fire facility article is the new one that immediately comes to mind as needing to be added, as well as a discussion of contingency articles for special revenue funds, or removing the existing articles in conformance with Judge McHugh's ruling.

Mr. Barrington reported that the office has been experimenting with having fewer lights on in the lobby for the past couple of weeks to try and save money.

Brian Warburton asked Mr. Barrington to announce the winter State bathroom schedule. From November 1 to April 1 the North Beach location will be open from 8am – 5pm. In addition the Ocean Boulevard and Ross Avenue location will be open from 8-4pm, daily.

Once the 2005 Second Half Warrant is signed the tax notices will be in the mail by tomorrow. The Town Treasurer has borrowed \$1.2 million in tax anticipation notes until the Town begins to collect tax revenue.

Next Thursday morning there will be a meeting to discuss the erosion problem in the Sun Valley district. State officials will be attending this meeting as well as the Town Manager.

Selectmen's Response to the Manager's Report

Mr. Moore inquired about last year's Article 11. He believes it was between Lafayette Road - Route 1 to the beach and not all the way to the Exeter line. He also asked for clarification in regards to the Hampton Railroad and asked if he understood the letter which stated that it would be projected on November 2 and construction would commence this fall. Mr. Barrington said that yes that is how he understands the letter as well. Mr. Moore asked to finalize discussion for the loading zones on November 14.

Mr. Barrington said he would investigate Article 11 and provide clarification at the next BOS meeting.

2 – CONSIDER AUTHORIZING THE TOWN ATTORNEY TO SIGN A STIPULATION FOR CONSENT DECREE WITH WHS ON THE SPUR ROAD ISSUE

Town Attorney Mark Gearreald addressed the Board of Selectmen regarding the Spur Road. The Attorney provided an overview of the spur road situation. Mr. Gearreald started by saying that it was back in August, 2005 that the Winnacunnet High School (WHS) closed off one of the two legs of the Y intersection between Winnacunnet Road and Park Avenue. The Board of Selectmen met on September 19, 2005 and moved to reopen the spur at the expense of WHS. A letter from the Town Manager went to the school Superintendent on October 21 stating the motion to reinstate the spur. The response from the WHS was a letter from the Assistant Superintendent dated September 29 seeking permission to remove the spur after the fact. The Board of Selectmen met on October 3 in response to this letter and a presentation was made by the School District. The Board of Selectmen motioned to modify the original motion and requested a response within a week.

The Board of Selectmen set forth six different conditions. The School District sent a letter dated October 7 responding to these conditions. The Board of Selectmen met again on October 10 and did not find the School Board's response to the conditions suitable and decided to return to the original motion requesting the reopening of the spur and to close the driveway. A letter went to the School Board Chairperson on October 11 with that notification. The Board of Selectmen met on October 17 and the Town Manager informed the Board that the restoration would commence on October 19.

On October 18 a suit was filed by the School District. Judge McHugh issued a temporary restraining order to stop the reconstruction of the spur. He scheduled a hearing for November 4, 2005 to hear experts. He ordered the School District to post a \$50,000 bond to restore the spur if that was the result. On October 21 Attorney Gearreald received notice from the Attorney for the School District with some changes to the earlier response dated October 7.

Last week in a non-meeting meeting Attorney Gearreald received authority from the Board of Selectmen to respond with a counter proposal. He sent a notice indicating that "yes" most were agreeable. The School Board met last week and accepted Board of Selectmen counter proposal. Attorney Gearreald has drafted a consent decree which incorporates all the terms of the Board of Selectmen counter proposal. He has included the counter proposal in a stipulation to the Board of Selectmen seeking approval to sign.

Subject to the terms, the two parties involved agreed to leave the intersection of Winnacunnet Road and Park Avenue as it currently exists. The second condition stipulates that WHS and Town would work together to draft an article for the 2006 Warrant to address changes to the intersection. In addition the WHS would immediately retain at its sole expense a traffic engineer, to be mutually agreed to by the WHS Project Manager and the Town Manager. A traffic study would be done immediately in regards to the traffic conditions in the area. The study would include the driveway in how it interferes with that intersection. The engineer would make recommendations based on the results of the study as to how the intersection would be best configured to safely accommodate the public. Once the engineer makes the recommendations, the WHS at its sole expense would implement the recommendations either upon the Selectmen's instructions or awaiting a Town meeting vote, whichever came first, unless the cost of the implementations of the recommendation exceeds \$125,000 in which case the WHS have the option of implementing the recommendations at its sole expense or restoring the spur with the \$50,000 figure.

In the event the WHS chooses to restore the spur the WHS would be required to install a gate to the new access in which the school, fire, and police departments would have keys.

Immediately the WHS would get a bond for \$50,000 to restore the spur to the condition it was in prior to August 2005.

The School District has agreed to defend the Town in respect to any costs, claims or actions that may arise from the removal of the spur and the installation of the new driveways along Winnacunnet Road.

By virtue of this agreement the hearing that is scheduled for November 4 would be cancelled and the court would retain continuing jurisdiction over the matter for the purpose to resolving any disputes in carrying out the terms. With only a few minor revisions the conditions that were set forth on October 3 by the BOS have been accepted by the WHS.

BOS Response Spur Consent Decree

Mr. Griffin does not agree with the conditions that were set on October 3. He is not in favor of this and doesn't believe that the safety issues have been addressed.

Mr. Moore MOTIONED to authorize the Town Attorney to sign the Stipulation for Consent Decree with WHS on the "spur road" issue. **Mrs. Bridle-Russell SECONDED.**

**VOTE: 3 FOR
1 OPPOSED
(MR. GRIFFIN)**

OLD BUSINESS – CONTINUED

Mr. Griffin asked about the situation along King's Highway. Mr. Barrington said that the majority of the work is done and that there have not been any additional complaints. There has been an issue with some damage to a swimming pool but this situation is close to being resolved.

Mr. Griffin mentioned that building #105 - 107 is wide open. There are no doors and there are refrigerators with the doors still on them and it is a public hazard. In addition, there is a property lot with an elevator shaft filled with water. This is unsafe and a public hazard that needs to be dealt with. The Building Inspector is aware of these issues.

IV. NEW BUSINESS

1 – 2005 SECOND HALF WARRANT SIGNING

Mr. Barrington brought to the attention of the BOS that the Second Half Warrant is \$20,950,838.69. For the average tax payer it means that the overall tax rate is up 10 cents. Individual taxes will depend on the property assessment and the 10 cent increase per \$1,000 evaluation.

Mrs. Bridle-Russell MOTIONED to sign the 2005 Second Half Warrant. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

V. MINUTES –OCTOBER 24, 2005

Page 3 – spelling error – should read - Mr. Trahan

Page 5 – incorrect date - should read - October 17

Mr. Griffin MOTIONED to accept the minutes as amended. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS

VI - CONSENT AGENDA

1 – PETITION FOR POLE LICENSE

The petition is for a pole with Unitil and Verizon and will be installed at Ocean Boulevard in the State Park.

Mr. Moore MOTIONED to accept the petition for a pole license. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

VII - PUBLIC COMMENT

Judy Park is a citizen of Hampton and she is very disappointed in signing the “spur” Consent agreement. She said that removing the spur changes the nature of the Winnacunnet and Park Avenue intersection. The road as it is right now was never designed to accommodate left hand turns from Winnacunnet onto Park Avenue and there are many safety issues that need to be considered.

Vic DeMarco spoke as a private citizen and as a Town employee who manages Town parking lots. He wanted to bring to the attention of the BOS the importance of the revenue that parking lots provide the Town. For that reason, he would like the BOS to consider limited parking spaces and revenue, when discussing the location of the future Fire Station.

Mr. DeMarco quoted the following revenue figures:

Year 2000 – \$253,000 – additional \$40,000 in lease revenue

Year 2001 - \$295,000 - again about \$40,000 in revenue from lease revenue

Year 2002 – \$360,000 – prices were increased to match State fees

Year 2003 – \$295,000 – decrease - reduction of parking spaces due to construction

The Ashworth parking lot revenue is \$310,000. After the police Station was built the Town lost 2/5th of its revenue due to lost parking spaces (500 to 300 spaces).

Mr. DeMarco pointed out that 20% of Town parking lot revenues, or approximately \$80,000, goes to the Precinct.

He said that the Town of Hampton hires additional 50 – 60 officers to police the beach area in the summer time which costs the Town \$40,000 - \$50,000 a year. This is a lot of money and resources that are going towards the Precinct, and he questioned why the Fire Station cannot be built where it is on Precinct Land. He suggested that the Precinct give the land to the Town as a gesture of the many years of receiving revenue and fire services from the Town. He understands the need to promote the beach, however, he questioned where the tourists are going to park. He requested that the Town keep in mind how much the Town contributes to the Precinct.

John Nyhan addressed the BOS. He said that it was about five weeks ago that he and his wife started project Tammany. The project organizers held a special event to raise funds for people who have suffered from the floods from Hurricane Katrina. He was able to raise over \$19,000. This money will be split between the Red Cross and the Salvation Army. Mr. Nyhan and his wife are using his frequent flyer points to go to St. Tammany Parish. He will be meeting with the Red Cross and Salvation Army to ensure that the funds raised will go to that Parish. He also thanked the Selectmen and Hampton citizens for their support in assisting flood victims. Vice-Chairman Pratt thanked him for all of his efforts.

VIII. ADJOURNMENT

Mr. Moore MOTIONED to adjourn the meeting at 9:10 PM. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

Chairman